

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: : Case No. 21-22304-(SHL)  
: :  
THE GATEWAY DEVELOPMENT GROUP, :  
INC., :  
: :  
Debtor.  
----- x  
HOWARD MAGALIFF, TRUSTEE, and : Adv. Proc. No. 21-07093 (SHL)  
JAMES CARNICELLI, JR., :  
: :  
Plaintiffs, : State Court Index No.  
: FST-CV20-6048778-S  
: :  
-against- :  
: :  
JOHN J. FARERI, JULIE FARERI, and :  
CHRISTOPHER SHESKIER, :  
: :  
Defendants.  
----- X  
JOHN J. FARERI, :  
: :  
Counterclaim-Plaintiff, :  
: :  
v. :  
: :  
JAMES CARNICELLI, JR. :  
: :  
Counterclaim Defendant. :  
----- X

**ORDER GRANTING MOTION TO ABSTAIN AND REMAND**

Upon Plaintiffs' Joint Motion to Remand Proceeding to the Judicial District of State of Connecticut, Superior Court of Stamford/Norwalk or, in the Alternative, for Mandatory or Permissive Abstention (ECF No. 48) and the Exhibits annexed thereto, for entry of an Order remanding the above-captioned adversary proceeding to the State of Connecticut Superior Court

of Stamford/Norwalk (the “Connecticut Superior Court”) pursuant to 28 U.S.C. § 1452(b), or in the alternative, for mandatory and/or discretionary abstention; and upon the Objection of Defendants to Plaintiffs’ Motion to Remand or Abstain (ECF No. 53) and the papers submitted in support thereof including the Declaration of Avery Samet (ECF No. 54) and the Exhibits annexed thereto; and upon Plaintiffs’ Reply in Further Support of Joint Motion to Remand Proceeding to the Judicial District of State of Connecticut, Superior Court of Stamford/Norwalk or, in the Alternative, for Mandatory or Permissive Abstention (ECF No. 55); and a hearing having been held on December 14, 2022; and after due deliberation and for the reasons stated by the Court on the record in its Bench Decision on October 13, 2023; and good and sufficient cause appearing for the relief granted herein, it is hereby

**ORDERED**, the Motion is granted; and it is further

**ORDERED**, that the above-captioned adversary proceeding is remanded to the Connecticut Superior Court (*see* removed case no. FST-CV20-6048778-S).

Dated: White Plains, New York  
November 15, 2023

/s/ *Sean H. Lane*  
HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE